



Entered on Docket  
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
USA Capital Realty Advisors, LLC,  
USA Capital Diversified Trust Deed Fund, LLC,  
USA Capital First Trust Deed Fund, LLC,<sup>1</sup>  
USA Securities, LLC,<sup>2</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
ASHBY FINANCIAL COMPANY  
\$7,200,000 LOAN**

Hearing Date: March 25, 2008  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Ashby Financial Company \$7,200,000 Loan (the "Objection") [DE 5815]. Adequate notice of the Objection was given. The Court heard the Objection on March 25, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Ashby Financial Company \$7,200,000 Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Ashby Financial Company \$7,200,000 Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

*Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

*Attorneys for USACM Liquidating Trust*

**ASHBY**  
**Multiple Loan Claims**

**EXHIBIT A**  
**SECOND OMNIBUS OBJECTION**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Ashby Loan</b>
<b>10725-00594</b>	Amberway Equities LLC	14400 Morning Mountain Way Alpharetta, GA 30004-4521	\$100,000.00	\$50,000.00
<b>10725-00153</b>	APG Trust Dated 7/5/00	c/o Alex G. Gassiot Ttee. 3710 Clover Way Reno, NV 89509	\$250,260.00	\$75,000.00
<b>10725-02382</b>	Essaff Family Trust Ltd. 6/18/02	Robert and Cindy H. Essaff Ttees. 2860 Heybourne Road Minden, NV 89423	\$1,599,184.01	\$100,000.00
<b>10725-00801</b>	Freedom Properties Inc.	1820 Star Pine Court Reno, NV 89523-4807	\$450,000.00	\$100,000.00
<b>10725-01660</b>	Robert J. and Ruth Ann Kehl	Janet L. Chubb, Esq. Jones Vargas P.O. Box 281 Reno, NV 89504-0281	\$12,841,680.13	\$1,000,000.00
<b>10725-02433</b>	Michaelian Holdings LLC	413 Canyon Greens Drive Las Vegas, NV 89144-0829	\$1,267,075.50	\$75,000.00
<b>10725-01208</b>	Pete Monighetti	6515 Frankie Lane Prunedale, CA 93907	\$1,509,963.55	\$50,000.00
<b>10725-00245</b>	Robert H. and Lynn R. Perlman Trust Dated 9/17/92	c/o Robert H. and Lynn R. Perlman Ttees. 2877 Paradise Road, Unit 3501 Las Vegas, NV 89109-5278	\$1,187,000.00	\$50,000.00
<b>10725-02071</b>	Robert R. Rodriguez	2809 Easy Street Placerville, CA 95667-3906	\$329,977.39	\$100,000.00
<b>10725-02191</b>	TDS Revocable Family Trust Dtd. 9/29/98	T. Dwight and Bonnie J. Sper Ttees. 1005 Cypress Ridge Lane Las Vegas, NV 89144-1425	\$889,337.00	\$50,000.00